

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIMMY KINSLOW,
Plaintiff,

v.

CV 05-1324 JH/WPL

JOE WILLIAMS, ET AL.,
Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

On October 30, 2007, the magistrate judge filed his Proposed Findings and Recommended Disposition (PFRD) in this matter. (Doc. 150.) The parties were notified that objections were due within ten days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. On November 19, 2007, Plaintiff filed timely objections. (Doc. 157.) To this date, Defendants have not filed any objections.

Plaintiff contends that the magistrate judge should not have recommended denying the motion for leave to file an amended complaint on the basis of delay, should not have recommended granting summary judgment to Defendant Ghosh, and should have appointed counsel for him. Having conducted a *de novo* review, I find these objections to be without merit.

IT IS THEREFORE ORDERED that:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition are adopted as an order of the Court;
- 2) Plaintiff's motion for leave to file an amended complaint (Doc. 132) is granted solely to add the allegation that Defendant Pullara terminated his treatment for hepatitis C too early, causing the treatment to fail;

3) the motion for leave to file an amended complaint (Doc. 132) is denied in all other respects;

4) Defendant Ghosh's motion to strike (Doc. 142) is granted to the extent that paragraphs six, seven, nine, and ten of Plaintiff's affidavit are stricken;

5) the motion to strike (Doc. 142) is denied without prejudice in all other respects; and

6) Defendant Ghosh's motion for summary judgment (Doc. 139) is granted and Plaintiff's claims against Ghosh are dismissed with prejudice.



JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE